In the High Court for the States of Punjab and Haryana at Chandigarh

…

RSA No.1965 of 2007

Date of decision: 18.9.2007

Smt.Sarla and others ... Appellants

Versus

Gram Panchayat Farmana and others.. .Respondents

Coram: **Hon'ble Mr.Justice Rajesh Bindal**

Present: Mr.Bijender Dhankar,Advocate
for the appellant.

..

RAJESH BINDAL,J.

This is plaintiffs second appeal against concurrent finding of facts by both the courts below, whereby suit filed by the appellant-plaintiffs for permanent injunction was dismissed.

The claim made by the appellant-plaintiffs in the suit was that they are owners in possession of the property in dispute and accordingly an injunction was sought restraining the respondents from making any illegal encroachment or creating any passage over the property. Both the courts below found that in an earlier lis between the parties, it was held that the respondent Balbir Singh was found to be in possession . It was found that the area in question is kurrie (Manure Pit) and the present appellants were not found to be the owners thereof. Once admittedly between an earlier lis between the parties, the question sought to be raised in the present proceedings had already been decided, no question arises for re-agitating the same.

For the reasons recorded above, I do not find any merit in the present appeal and the same is dismissed in limine.

September 18,2007 (Rajesh Bindal)
nk Judge